

<b>Attorney or Party without Attorney:</b> Joseph H. Weiss, Esq. Weiss & Lurie 551 Fifth Avenue New York, NY 10176 Telephone No: 212-682-3025      FAX No: 212-682-3010				<b>For Court Use Only</b>	
<b>Attorney for: Plaintiff</b>			Ref. No. or File No.:		
<b>Insert name of Court, and Judicial District and Branch Court:</b> United States District Court - Southern District Of New York					
<b>Plaintiff:</b> Michael Rubin, et al. <b>Defendant:</b> SemGroup Energy Partners, L.P. et al.					
<b>AFFIDAVIT OF SERVICE</b> <b>Summons/Complaint</b>		<b>Hearing Date:</b>	<b>Time:</b>	<b>Dept/Div:</b>	<b>Case Number:</b> 08CV7063

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the Summons in a Civil Action; Class Action Complaint; Related Case Affirmation
3. a. Party served: Alex G. Stallings  
 b. Person served: Ellen Boothe, Person Authorized to Accept Service
4. Address where the party was served: SemGroup Energy  
 Two Warren Place  
 6120 Yale Ave. # 500  
 Tulsa, OK 74136
5. I served the party:
  - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Mon., Aug. 18, 2008 (2) at: 11:35AM

**7. Person Who Served Papers:**

- a. Kurt Enkelmann
- b. Class Action Research & Litigation  
 P O Box 740  
 Penryn, CA 95663
- c. (866) 663-9590, FAX (866) 663-4955

**Fee for Service:**

I Declare under penalty of perjury under the laws of the State of Oklahoma that the foregoing is true and correct.

8/20/08  
 (Date)

Kurt Enkelmann  
 (Signature)

**8. SUBSCRIBED AND SWORN to me, a Notary Public in and for said County and State.**

My Commission Expires 4-23-09  
 (Date)

AFFIDAVIT OF SERVICE  
 Summons/Complaint

Jane A. Bailey  
 (Notary Public)



jowe1.103906

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Michael Rubin, Individually and On Behalf of All  
Others Similarly Situated,

SUMMONS IN A CIVIL ACTION

V.

SemGroup Energy Partners, L.P., SemGroup  
Energy Partners G.P., LLC, SemGroup Holdings  
L.P., Kevin L. Foxx, (see attachment)

CASE NUMBER

08 CV 7063

TO: (Name and address of Defendant)

(SEE ATTACHED LIST OF DEFENDANTS)

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Weiss & Lurie  
551 Fifth Avenue  
New York, NY 10176

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

AUG 08 2008

DATE

(By) DEPUTY CLERK

*Catherine Lapsley*

AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served:  <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:  <input type="checkbox"/> Returned unexecuted:  <input type="checkbox"/> Other (specify):		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date _____ Signature of Server _____</p> <p style="text-align: center;">_____ Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

**Rubin v. SemGroup Energy Partners, L.P., et al.**

**Complete List of Defendants**

SEMGROUP ENERGY PARTNERS, L.P., SEMGROUP ENERGY PARTNERS G.P. LLC,  
SEMGROUP HOLDINGS L.P., KEVIN L. FOXX, MICHAEL J. BROCHETTI, ALEX G.  
STALLINGS, THOMAS L. KIVISTO, GREGORY C. WALLACE, W. ANDERSON BISHOP,  
BRIAN F. BILLINGS, CITIGROUP GLOBAL MARKETS INC., MERRILL LYNCH, PIERCE,  
FENNER & SMITH INCORPORATED and LEHMAN BROTHERS, INC.,

Defendants.

**Rubin v. SemGroup Energy Partners, L.P., et al.**

**Summons Attachment**

Semgroup Energy Partners, L.P.  
Semgroup Energy Partners G.P., LLC  
Semgroup Holdings L.P.  
Kevin L. Foxx  
Michael J. Brochetti  
Alex G. Stallings  
Thomas L. Kivisto  
Gregory C. Wallace  
W. Anderson Bishop  
Brian Billings  
c/o Semgroup Energy Partners LP  
Two Warren Place  
6120 South Yale Avenue  
Suite 500  
Tulsa, OK 74136

Citigroup Global Markets, Inc.  
388 Greenwich St.  
New York, NY 10013

Merrill Lynch Pierce Fenner & Smith Incorporated  
c/o Merrill Lynch & Co., Inc.  
4 World Financial Center  
250 Vesey Street  
New York, NY 10080

Lehman Brothers, Inc.  
1271 Avenue of the Americas  
44th Floor  
New York, NY 10020